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WELLS FARGO BANK, N.A. and
WELLS FARGO FUNDS MANAGEMENT, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PHOENIX SOLUTIONS, INC., a California
corporation,

Plaintiff,

v.

WELLS FARGO BANK, N.A., a Delaware
corporation, and WELLS FARGO FUNDS
MANAGEMENT, LLC, a Delaware limited
liability company,

Defendant.

Case No. CV 08-0863 MHP

**STIPULATION AND ~~[PROPOSED]~~
ORDER PURSUANT TO LOCAL RULE
7-7 REGARDING DATE OF HEARING
ON PARTIES' MOTIONS FOR
SUMMARY JUDGMENT**

***As amended by Court.**

Pursuant to Local Rule 7-7, undersigned counsel for Phoenix Solutions, Inc. ("Phoenix") and Wells Fargo Bank, N.A. ("Wells Fargo") jointly and respectfully submit this stipulation regarding the date of the hearing on the parties' motions for summary judgment in this matter.

1. On June 9, 2008, the Court entered a minute order (Docket No. 36) that set November 10, 2008, as the hearing date for initial summary judgment motions on inequitable conduct and anticipation.

2. On September 8, 2008, each party filed a motion for summary judgment (Docket Nos. 53 & 51) that noticed the motion to be heard on November 10, 2008.

3. On October 24, 2008, the Court rescheduled the hearing date on each party's motion for summary judgment to November 24, 2008 (Docket No. 111).

4. Counsel for Wells Fargo, Daralyn Durie, has a conflict with appearing on November 24, 2008, at 2:00 p.m. because of a previously scheduled deposition. After conferring, the parties determined that December 1, 2008, was a mutually convenient date for the hearing.

5. Counsel for Phoenix and Wells Fargo therefore stipulate to, and respectfully request, an Order rescheduling the hearing on each party's motion for summary judgment (Docket Nos. 53 & 51) to Monday, December 1, 2008 at 2:00 p.m.

Dated: October 30, 2008

TROJAN LAW OFFICES

By: /s/ R. Joseph Trojan
R. Joseph Trojan
Attorneys for Plaintiff
PHOENIX SOLUTIONS, INC.

Dated: October 30, 2008

KEKER & VAN NEST, LLP

By: /s/ Ryan M. Kent
Ryan M. Kent
Attorneys for Defendant
WELLS FARGO BANK, N.A.

~~[PROPOSED]~~ ORDER

Upon the joint stipulation of the parties, the request to reschedule the hearing on each party's motion for summary judgment (Docket Nos. 43 & 51) to ~~December 1, 2008~~ January 5, 2009, at 2:00 p.m. is GRANTED.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/14/2008

